IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8620 OF 2004

Shree Nashik Panchawati Panjrapol Trust, Panchawati ..Petitioner

Versus

The Collector, Nashik & Ors. ..Respondents

Mr.C.M.Korde i/by R.G.Ketkar for the petitioner.

Mr.V.A.Gangal for Respondent No.3.

Mr.R.D.Rane, AGP for Respondent Nos.1, 2, 4, & 5.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 24.3.2005.

PC

. Heard the learned Senior Counsel for the petitioner, the learned Assistant Government Pleader for Respondent Nos.1, 2, 4 & 5 and the learned Counsel for Respondent No.3.

2. During the course of hearing we were informed by the learned Assist. Government Pleader that the question whether the State Government should withdraw from the acquisition of the subject land is under consideration of the State Government. The learned Assistant Government Pleader also submitted that, if directed, the State Government shall hear

the petitioner and the respondent no.3 before taking decision under Section 48 of the Land Acquisition Act 1894.

3. In the light of the submission of the learned Assistant Government Pleader, we are of the considered view that it is not necessary to go into the diverse aspects raised in the Writ petition and interest of justice shall be subserved if the State Government is directed to hear the petitioner and the respondent no.3 before taking decision under Section 48 of the Land Acquisition Act 1894.

4. We, accordingly, dispose of the Writ petition by following order :-

O R D E R

1. The State Government shall hear the petitioner and the respondent no.3-Nashik Municipal Corporation before taking any decision for withdrawal from the acquisition of the subject land.

2. We direct the State government to take decision under Section 48 concerning withdrawal from the acquisition of subject land as early as possible and in no case lesser than 3 months from the date of production of the order of this Court.

3. The contentions raised by the petitioner in the Writ petition are kept open to be agitated subsequently if the grievance of the petitioner remains unredressed.

(R.M.LODHA,J)

(R.S.MOHITE,J)